

50490064
Lynn Kunzler
TaskID# 2347

STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING
1594 West North Temple Suite 1210
Box 145801
Salt Lake City, Utah 84114-5801
Telephone: (801) 538-5291 Fax: (801) 359-3940

NOTICE OF INTENTION TO COMMENCE SMALL MINING OPERATIONS

The informational requirements of this form are based on provisions of the Mined Land Reclamation Act, Title 40-8, Utah Code Annotated 1987, and the General Rules as promulgated under the Utah Minerals Regulatory Program.
"Small Mining Operations" mining operations which have a disturbed area of five or less surface acres at any time.

I. GENERAL INFORMATION (Rule R647-3-104)

1. Name of Mine: Clay Canyon

2. Legal name of entity (or individual) for whom the permit is being requested:

Pabco Building Products LLC., dba Interstate Brick Company

Mailing Address: 9780 South, 5200 West

City, State, Zip: West Jordan, UT 84088

Phone: 801.280.5200 Fax: 801.280.5220

E-mail Address: john.hewitt@paccoast.com

Type of Business: Corporation () LLC (X) Sole Proprietorship (dba) ()
Partnership () General or limited

Or:

Individual ()

Entity must be registered (and maintain registration) with the State of Utah, Division of Corporations (DOC) www.commerce.utah.gov.

Are you currently registered to do business in the State of Utah?

■ Yes ■ No

Entity # 5286582-0161

If no, contact www.commerce.utah.gov to renew or apply.

Local Business License # (if required) 10977

Issued by: County _____ or City West Jordan

3. Contact Person(s)

Name: John Hewitt Title: Assistant Plant Manager

Address: 9780 South, 5200 West

City, State, Zip: West Jordan, UT 84088

Phone: 801.280.5230 Fax: 801.280.5245

Emergency, Weekend, or Holiday Phone: 801.301.3870

E-mail Address: john.hewitt@paccoast.com

Contact person to be notified for: permitting (X) surety (X) Notices (X) (please check all that apply)

RECEIVED

APR 14 2008

Name: **Frankie Dellisvake** Title: **Mining Manager**
Address: **9780 South, 5200 West**
City, State, Zip: **West Jordan, UT 84088**
Phone: **801.280.5200** Fax: **801.280.5245**
Emergency, Weekend, or Holiday Phone: **801.301.6729**
E-mail Address: **frankie.dellisvake@paccoast.com**

Contact person to be notified for: permitting () surety () Notices () (please check all that apply)

Registered Utah Agent (as identified with the Utah Department of Commerce) (if individual leave blank):

Name: **CT Corporation System**
Address: **136 East South Temple Ste 2100**
City, State, Zip: **Salt Lake City, UT 84111**
Phone: **303.629.2500** Fax: **303.629.2525**
E-mail Address: **info@ctadvantage.com**

4. **If Business is a Sole Proprietor:**

Name of Owner: **n/a (see LLC)** Title:
Business Address:
City, State, Zip:
Phone: Fax:
E-mail Address:

If Business is a Corporation: n/a (see LLC)

Name of Officers: Title:
Title:
Title:
Title:

Headquarters Address: City, State, Zip:
Headquarters Phone: Fax:
E-mail Address:

If Business is a Limited Liability Company: Member Managed ■ Manager Managed ■

Name of 1st Member/Manager: **Alfred K Mueller** Title: **President**
Business Address: **37849 Cherry Street**
City, State, Zip: **Newark, CA 94560**
Phone: **510.792.9555** Fax: **510.797.8820**
E-mail Address: **al.mueller@paccoast.com**

Name of 2nd Member/Manager: **Brad Carson**
Business Address: **37849 Cherry Street**
City, State, Zip: **Newark, CA 94560**
Phone: **510.792.9555** Fax: **510.797.8820**
E-mail Address: **brad.carson@paccoast.com**

If Business is a Partnership: n/a (see LLC)

Name of Partner: **n/a (see LLC)**
Business Address:
City, State, Zip:
Phone: Fax:
E-mail Address:

5. **Ownership of Land Surface:**

Private (Fee) ■ Public Domain (BLM) ■ National Forest (USFS) ■
State Trust Land/School Sections ■ State Sovereign Lands ■
Other (please describe):

Name **Pabco Building Products LLC. dba Interstate Brick** Address **9780 South, 5200 West, West Jordan, UT 84088**

Name Address

Name Address

6. **Ownership of Minerals:**

Private (Fee) ■ Public Domain (BLM) ■ National Forest (USFS) ■
State Trust Land/School Sections ■ State Sovereign Lands ■
Other (please describe):

Name **Building Products LLC. dba Interstate Brick** Address **9780 South, 5200 West, West Jordan, UT 84088**

Name Address

Name Address

BLM Lease or Project File Number(s) and/or USFS assigned Project Number(s): **n/a**

BLM Claim Numbers **n/a**

Utah State Lease Number(s): **n/a**

Name of Lessee(s) **n/a**

7. **Have the above surface and mineral owners been notified in writing?**

Yes No

If no, why not?

*Please be advised that if State Trust Lands are involved, notification to the Division of Oil, Gas and Mining alone does not satisfy the notification requirements of Mineral Leases upon State Trust Lands. Exploration or mining activity on State Trust Lands requires a minimum of 60 days notice to the Trust Lands Administration **prior** to commencing any activities. Please contact the School Institutional Trust Lands Administration (SITLA) at (801) 538-5508 for notification requirements.*

8. **Does the Entity have legal right to enter and conduct mining operations on the land covered by this notice?** **Yes** No

II. PROJECT LOCATION & MAP (Rule R647-3-105)

1. Project Location (legal description):

County(ies): Utah

1/4, of N.E. 1/4, of S. E. 1/4: Section: 21 Township: 6 South Range: 3 West

1/4, of 1/4, of 1/4: Section: Township: Range:

1/4, of 1/4, of 1/4: Section: Township: Range:

UTM East (if known) UTM North (If known) 399801 E, 4459447 N, Zone 12

Name of Quad Map for Location: Mercur, Utah

2. Location and Operations maps must be plotted at a scale to accurately identify locational landmarks and operations details. All maps must include a north arrow, scale, appropriate labels, and title box including the mine name, township, range and section.

a. The **general location map** must be the scale of a USGS 7.5 minute series map or equivalent (1"=2000') and identify new or existing access roads.

b. The **operations map** (1"=200' or other scale as determined necessary by the Division) must be labeled and identify:

i. The area to be disturbed;

ii. The location of any existing or proposed operations including access roads, drill holes, trenches, pits, shafts, cuts, or other planned activities; and

iii. Any adjacent previous disturbance for which the operator is not responsible.

(Contact the Division for a list of consultants and land surveyors for mapping assistance.) **SEE PHOTOGRAPHS OF MINE SITE, 4 PAGES, ATTACHED TO This Form**

3. The proposed (5 acre or less) disturbed area (including access/haul roads) should be marked in the field ON THE GROUND with metal T-Posts (or with some other marker of equal effectiveness). Markers should be appropriately spaced so that the next marker in either direction is clearly visible with the naked eye.

III. OPERATION PLAN (Rule R647-3-106)

1. Type of mining: Surface ☒ Underground ☐

2. Mineral(s) to be mined: clay for brickmaking

3. Amount of material to be extracted, moved, or proposed to be moved:
80,000 CY, 104,000tons

4. Will any **water, liquid chemicals, reagents, or other solutions** be used, produced or discharged as part of the mining or milling process?
Yes ☐ No ☒ If yes, please describe (add extra pages if needed)

5. Provide a brief **description of the proposed mining operation** and onsite processing facilities (add extra pages if necessary). 6. ☒ **New Road(s):**
Length (ft) Width (ft) Mine is currently accessible by an existing road.

7. ■ **Improved Road(s):** Provide a description of the improvements that need to be made to existing roads to access the site, including the Length (ft) and Width (ft) of improvements. Existing road may be scraped to remove ruts as needed.
8. Total project surface **acreage to be disturbed:** (acres) PLEASE SPECIFY EXACT ACREAGE - *(this will be used to determine surety bond amount – see #VI).* 5 Acres
9. Proposed **startup date** (month, year) Summer 2008
10. Proposed **completion date**, if known (month, year) Estimate June 2018

IV. OPERATION AND RECLAMATION PRACTICES (Rule R647-3-107, 108 & 109)

The reclamation and operation obligation is to keep the area clean and safe, minimize hazards to public safety, return the land to a useful condition, and reestablish at least 70 percent of the premining vegetative ground cover. To accomplish this, the Permittee / Operator will need to perform reclamation concurrently, or at the completion (within one (1) year) of mining. Please refer to The Practical Guide to Reclamation in Utah, available at www.ogm.utah.gov.

1. *Keep the mining operation in a safe, clean, and environmentally stable condition.*
2. *Permanently seal all shafts and tunnels to prevent unauthorized or accidental entry.*
3. *Plug drill holes with a five foot cement surface plug. Holes that encounter fluids are to be plugged in the subsurface to prevent aquifer contamination.*
4. *Construct berms, fences, or barriers, when needed, above highwalls and excavations.*
5. *Remove, isolate, or neutralize all toxic materials in a manner compatible with federal and state regulations.*
6. *Remove all waste or debris from stream channels.*
7. *Dispose of any trash, scrap metal, wood, machinery, and buildings.*
8. *Conduct mining activities so as to minimize erosion and control sediment.*
9. *Reclaim all roads that are not part of a permanent transportation system.*
10. *Stockpile topsoil and suitable overburden prior to mining.*
11. *Stabilize highwalls by backfilling or rounding to 45 degrees or less, where feasible; reshape the land to near its original contour, and redistribute the topsoil and suitable overburden.*
12. *Properly prepare seedbed to a depth of six inches by pocking, ripping, discing, or harrowing. Leave the surface rough.*
13. *Reseed disturbed areas with adaptable species. (The Division recommends a mixture of species of grass, forb, and browse seed, and will provide a specific species list if requested.)*
14. *Plant the seed with a rangeland or farm drill, or broadcast the seed. Fall is the preferred time to seed.*

V. VARIANCE REQUEST (Rule R647-3-110)

Any variance request must be approved in writing by the Division

Any planned deviations from Rules R647-3-107, Operation Practices, R647-3-108, Hole Plugging Requirements, or R647-3-109, Reclamation Practices, as summarized above (see IV. Operation and Reclamation Practices Item # 1-14), should be identified below listing applicable rule number. Give justification for the variance(s) and alternate methods or measure to be utilized. Written approval from the Division will be given, if the proposed alternative methods to be used are consistent with the Act.

Are variances being requested? Yes ☐ No ☒

1st Variance Requested

Item # Applicable Rule # (i.e. R647-3-109.10 (if you did not want trenches & pits reclaimed)

Justification:

Alternate methods or measure to be utilized:

2nd Variance Requested

Item # Applicable Rule #

Justification:

Alternate methods or measure to be utilized:

3rd Variance Requested

Item # Applicable Rule #

Justification:

Alternate methods or measure to be utilized:

Attach additional page if more variances are requested.

VI. SURETY (Utah Code Ann. §40-8-7(1)[c])


A reclamation contract and surety must be provided to and approved by the Division prior to commencement of operations. All mining operations are required to furnish and maintain reclamation surety to guarantee that the land affected is reclaimed (Utah Code Ann. §40-8-7(1)[c]).

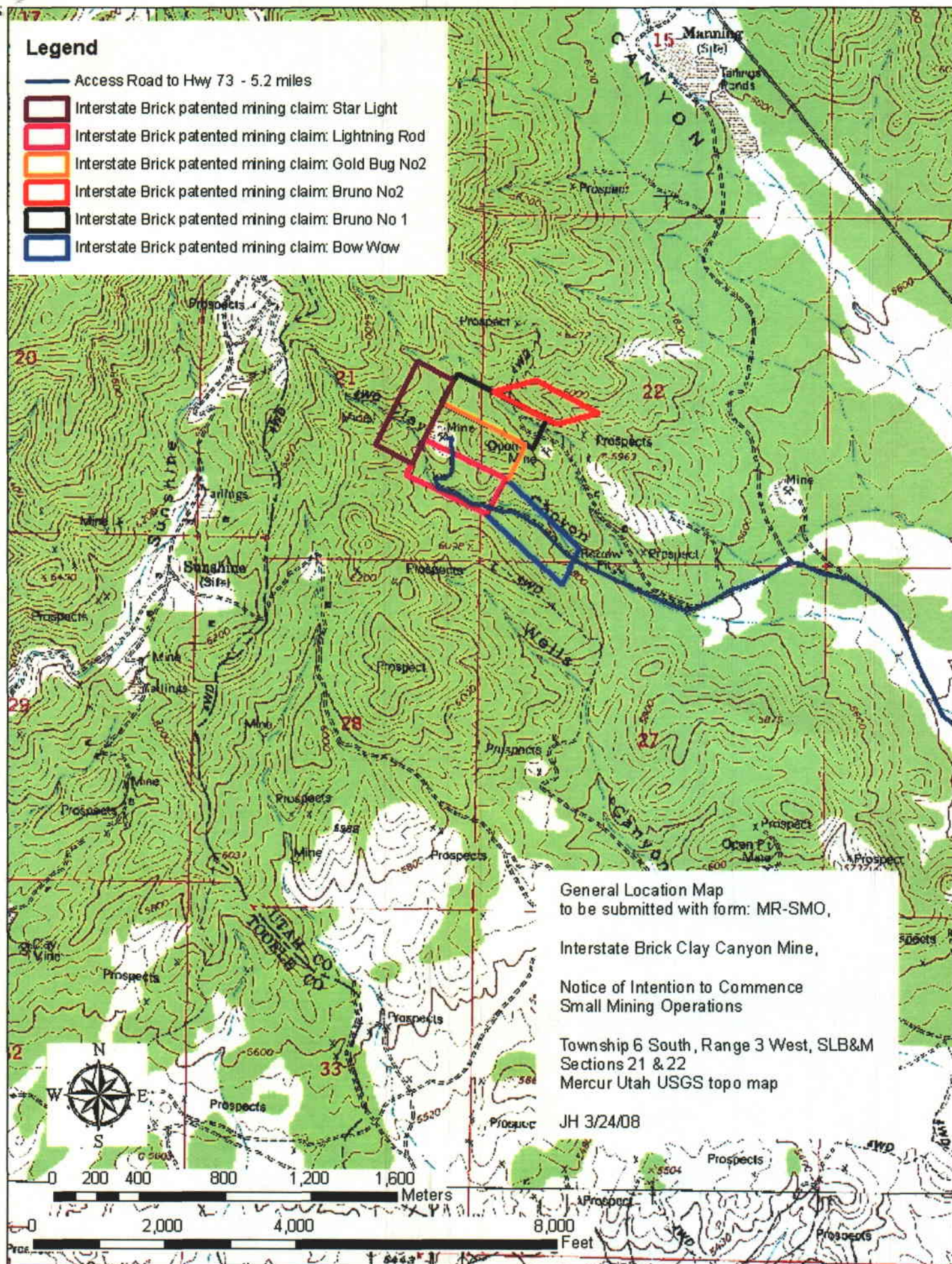
The reclamation surety amount is based on the nature, extent and duration of operations. The amounts are based on data from current large mine surety and are used as a general guide, along with actual site conditions. Reclamation surety for small mines is reviewed every three (3) or five (5) years and adjusted as necessary for inflation/deflation based upon acceptable Costs Index. **Contact the Division for the dollar amount required for a three (3) or five (5) year period for this project.**

I have provided or will provide surety in the form of:

- ☒ Certificate of Deposit ☐ Letter of Credit ☒ **Surety Bond** ☐ Cash (certified funds)
- ☐ Other (please identify) undecided

Legend

-  Access Road to Hwy 73 - 5.2 miles
-  Interstate Brick patented mining claim: Star Light
-  Interstate Brick patented mining claim: Lightning Rod
-  Interstate Brick patented mining claim: Gold Bug No2
-  Interstate Brick patented mining claim: Bruno No2
-  Interstate Brick patented mining claim: Bruno No 1
-  Interstate Brick patented mining claim: Bow Wow



Operations Map
to be submitted with form: MR-SMO

Interstate Brick Clay Canyon Mine,

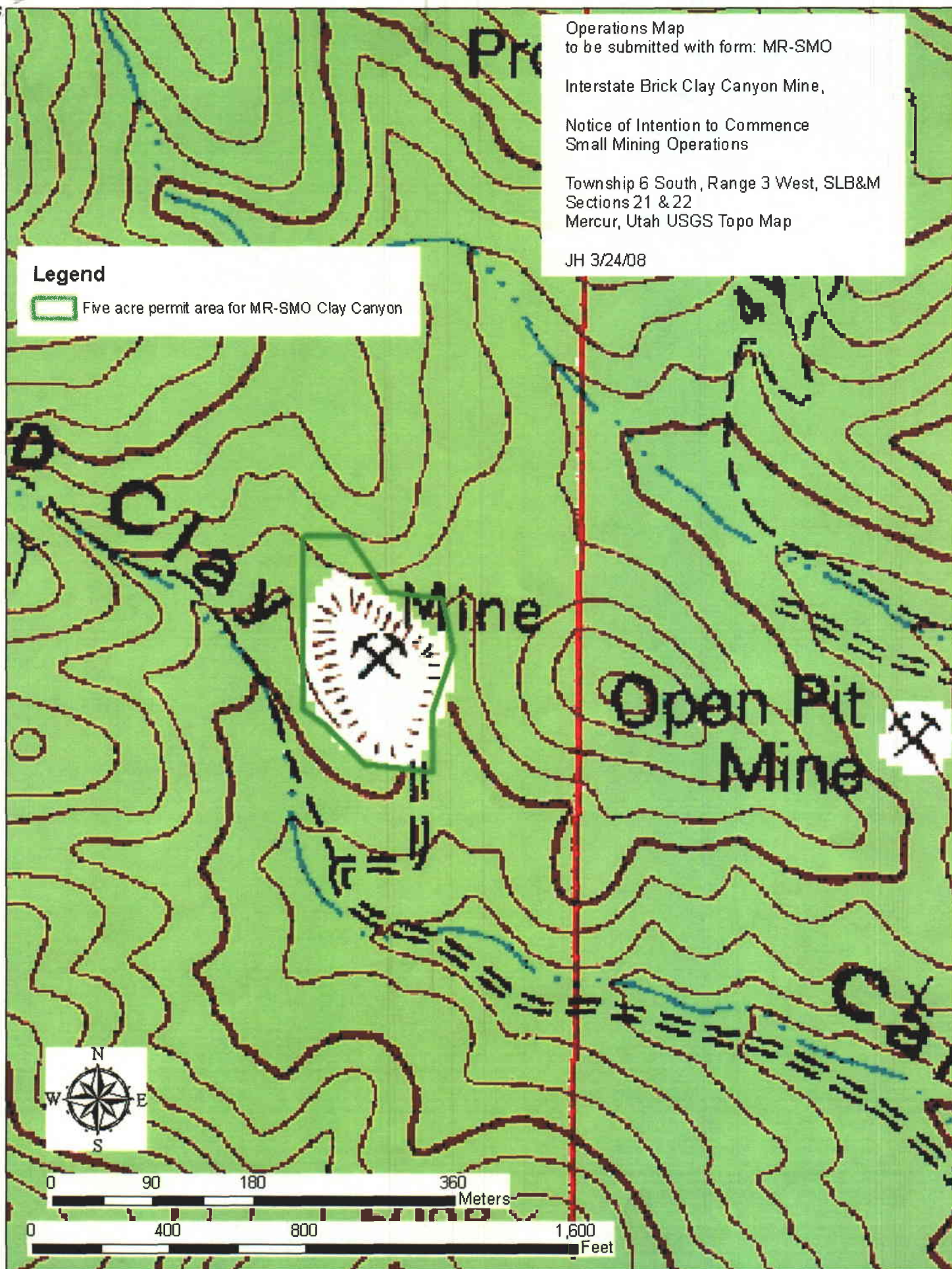
Notice of Intention to Commence
Small Mining Operations

Township 6 South, Range 3 West, SLB&M
Sections 21 & 22
Mercur, Utah USGS Topo Map

JH 3/24/08

Legend

 Five acre permit area for MR-SMO Clay Canyon



VII. PERMIT FEE (Utah Code Ann. §40-8-7(1)(i))

A permittee's authorization under a notice of intention to conduct small mining operations shall require the paying of permit fees as authorized by the Utah Legislature (R647-3-102.5). Permit fees are assessed to new and existing small mining operations, and annually thereafter, until the project disturbances are successfully reclaimed by the Permittee / Operator and released by the Division. ***Small Mine Notices require a \$150.00 fee, which must accompany this application, or the Division cannot process it.***

VIII. SIGNATURE REQUIREMENT

(Please check the box if applicable and place your initials on the line provided)

- ☐ I have enclosed the required permit fee.
- ☐ I have enclosed/requested a Reclamation Contract (Form MR-RC) and the appropriate reclamation surety amount or have made arrangements as to when the surety will be furnished.
- ☐ I understand that I am not authorized to create any surface disturbance until the surety amount is posted and approved in writing from the Division of Oil, Gas and Mining and any other authorized regulatory agency.

CERTIFICATION

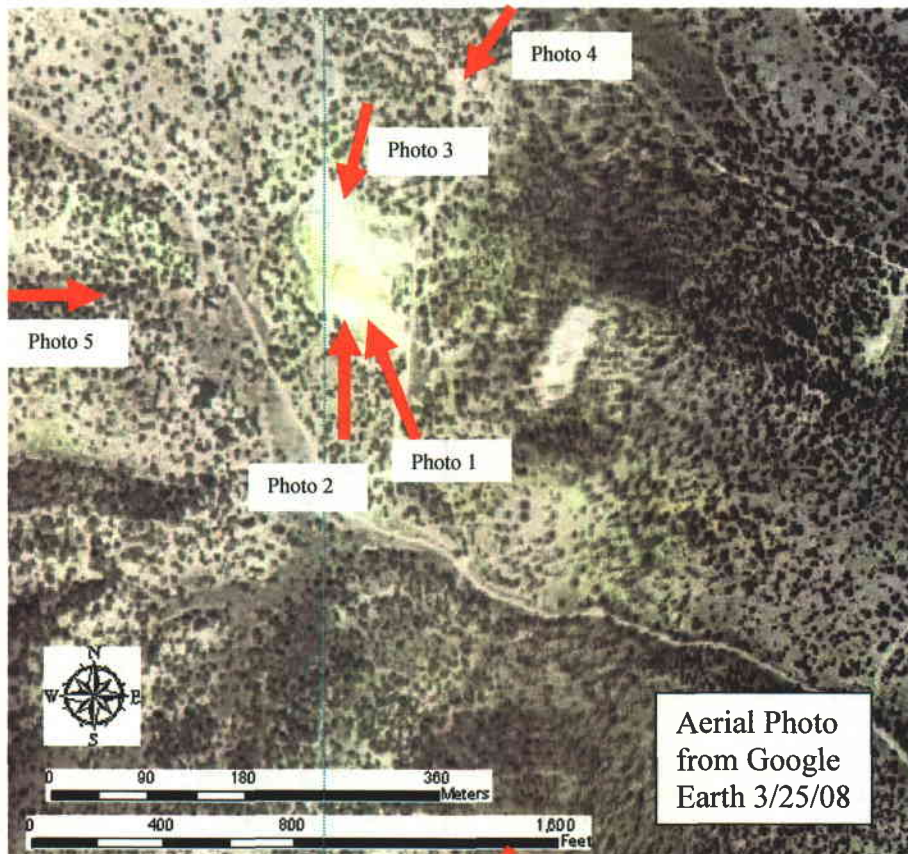
I state under penalty of perjury under the laws of the state of Utah and the United States of America that:

- a. I have read this form and declare the information, statements and/or documentation are true, correct and complete to the best of my knowledge and belief; AND
- b. I commit to the reclamation of the aforementioned small mining project as required by the Utah Mined Land Reclamation Act (40-8) and the rules as specified by the Board of Oil, Gas and Mining.
- c. **This certification must be signed by:** (1.) an executive officer if the applicant is a corporation; (2.) a partner if applicant is a partnership (general or limited); (3.) the owner if applicant is a sole proprietorship; or (4.) the member or manager if applicant is a limited liability company.

Signature: A.K. Mueller Date: 4/8/08

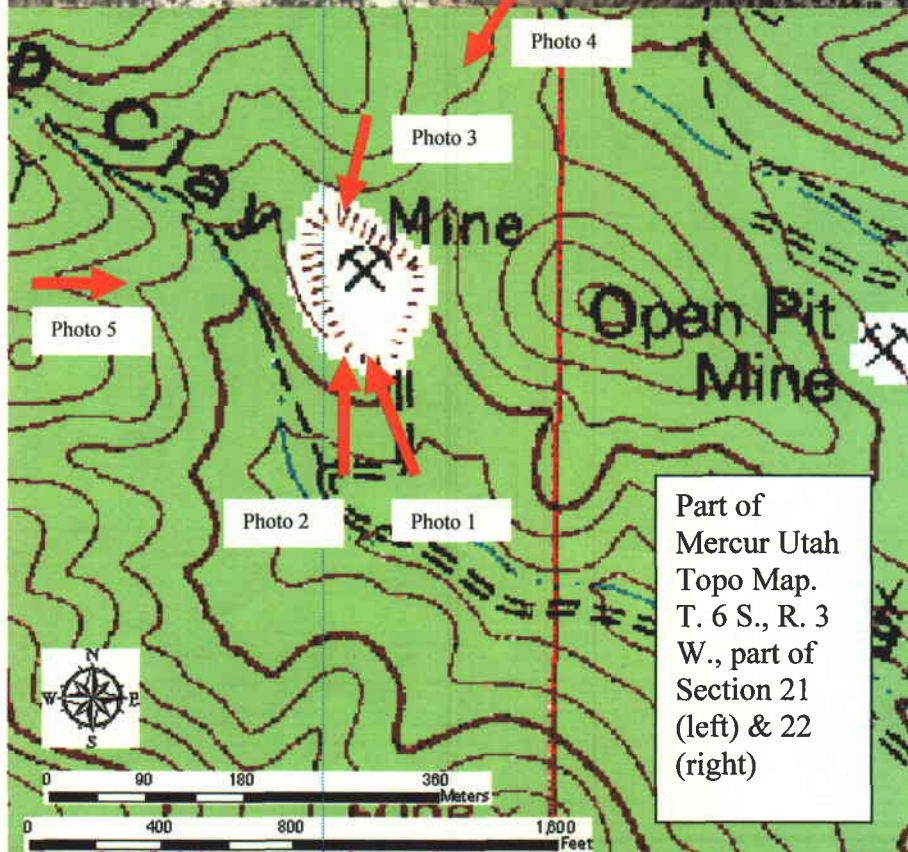
Name (typed or printed): Alfred K. Mueller

Title/Position (if applicable): President



Approximate location from which photos were taken of Old Clay Canyon clay mine.

Photos taken 7/3/2007 by John Hewitt



RECEIVED

APR 14 2008

DIV. OF OIL, GAS & MINING

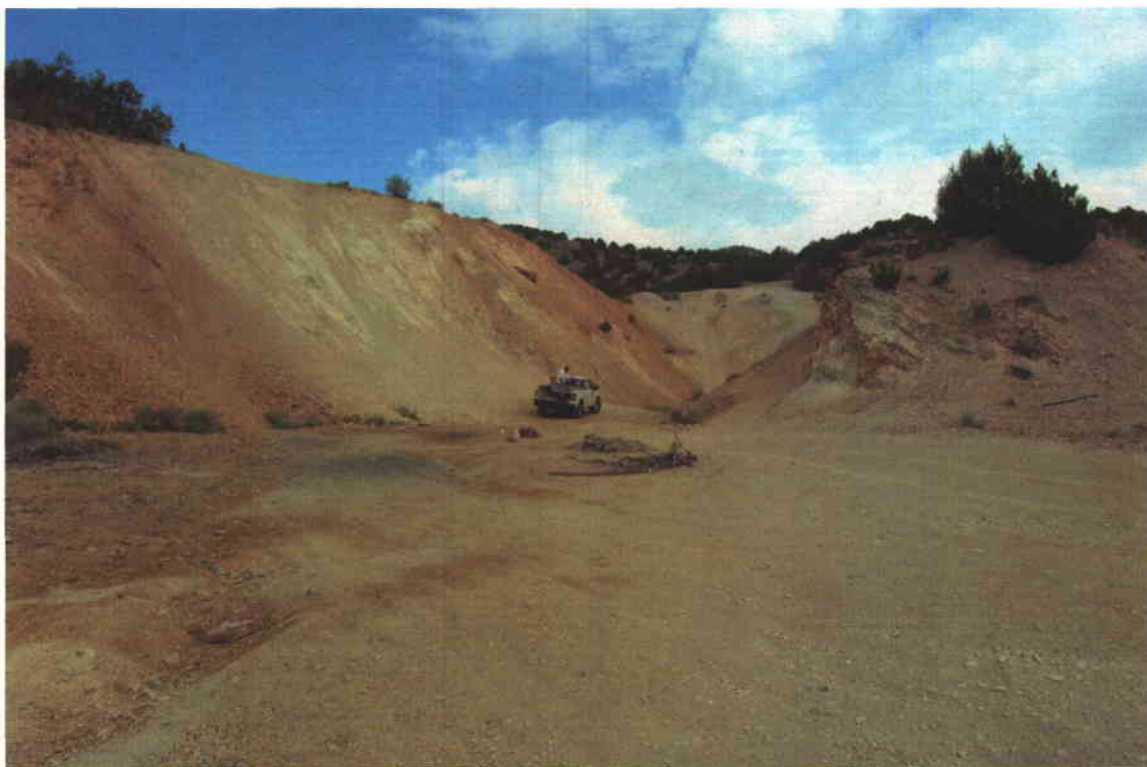


Photo 1

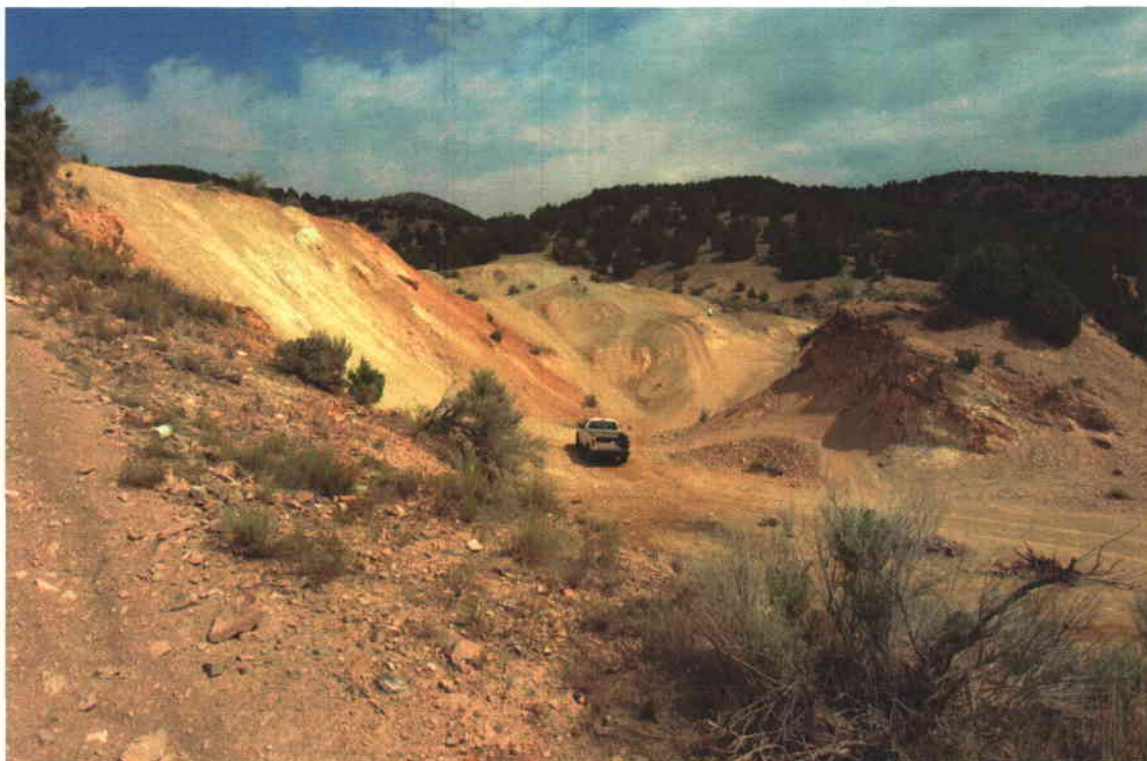


Photo 2



Photo 3



Photo 4



Photo 5